

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. Assistant United States Attorney Michael Chu is co-counsel on the instant case schedule for trial October 31, 2011, as well as lead counsel for the case of U.S. v. Victor Bustos, for which trial is also scheduled to begin October 31, 2011. The case of U.S. v. Victor Bustos is an older case and should take precedence over U.S. v. Jason Wiley. It is further reasonable that Assistant United States Attorney Kathleen Bliss have additional time to recover from major surgery. To deny this request for a brief continuance would unreasonably deny the United States reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

2. Denial of this request for continuance could result in a miscarriage of justice.

3. The Parties need additional time to prepare for trial in the case including conducting legal research. The Parties also need additional time to continue exploring full resolution of the matter without going to trial.

1 4. The additional time requested by this Stipulation is excluded in computing the time
2 within which the trial herein must commence under the Speedy Trial Act, Title 18, United States
3 Code, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18
4 United States Code, Section 3161(h)(7)(B).

5 5. Further, the Parties have submitted pre-trial motions for the Court's consideration that
6 remain to be ruled upon. *See* Docket Nos. 67, 73, 84, 85, 95, 103). Thus, under the Speedy Trial Act,
7 Title 18, United States Code, 3161(h)(1)(D), the "period of delay resulting from any pretrial motion,
8 from the filing of the motion through the conclusion of the hearing on, or other prompt disposition
9 of, such motion[s]" shall be excluded in computing the time within which trial must commence.

10 **CONCLUSIONS OF LAW**

11 The ends of justice served by granting said continuance outweigh the best interest of the
12 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely
13 to result in a miscarriage of justice, and taking into account the exercise of due diligence.

14 The continuance sought herein is excluded in computing the time within which the trial
15 herein must commence under the Speedy Trial Act, Title 18, United States Code, Title 18, United
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18 United States Code,
17 Section 3161(h)(7)(B).

18 Further, the continuance sought herein is also excluded in computing the time within which
19 the trial herein must commence under the Speedy Trial Act, Title 18, United States Code, Title 18,
20 United States Code, Section 3161(h)(1)(D).

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ORDER

IT IS THEREFORE ORDERED that the calendar call scheduled October 25, 2011, at 8:30 a.m. and trial currently scheduled for October 31, 2011, at 8:30 am, be vacated and continued to November 8, 2011 at 8:30 AM. for Calendar Call and Trial is continued to Monday, November 14, 2011 at 9:00 AM.

DATED this 21 day of October 2011.

~~UNITED STATES DISTRICT COURT JUDGE
LLOYD D. GEORGE~~